REMARKS

This amendment is presented in response to the office action mailed July 5, 2005. In this paper, claims 65, 70, 74, 79, and 83 were amended, and new claims 84-86 were added. Presently, the application contains claims 65-86. Applicant requests favorable reconsideration and allowance of all claims in the application.

HILTON DAVIS / FESTO STATEMENT

The claim amendments herein were not made for any reason related to patentability. Rather, certain of these changes were implemented to make explicit what was already inherent to the claims, and others of these changes were made to improve the grammar and format of the claims.

35 USC 102 REJECTIONS: CLAIMS 65-83

These claims were rejected under 35 USC 102(3) as being unpatentable over U.S. Publication 2002/0103712 to Rollins et al. ("Rollins"). The claims (as amended) are patentable because the applied art does not teach the features of the claims, as required. Considering as an example claim 1, Rollins fails to teach the following combination:

> A method to facilitate user interaction with merchant web sites, the method comprising operations of:
> independent of user interaction with merchant web sites, pre-preparing a proxy platform corresponding to participating merchant web sites by performing operations comprising:
> planning a modified presentation of each participating merchant web site including one or changes to functionality of the web site;
> generating rules to fill-in purchase checkout forms of each participating merchant web site with data from users' cyber wallets accessible to the proxy platform;
> responsive to a user's request to view a merchant web site for which a corresponding pre-prepared proxy platform exists, performing operations comprising:

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utilizing the requested web site's proxy platform as an overlay to
provide the user with the modified presentation instead of
the requested web site;

responsive to user initiation of a purchase transaction upon the
requested web site, the proxy platform automatically
retrieving personal data from the user's cyber wallet and
entering said retrieved information upon the requested web
site in accordance with the rules to complete the initiated
purchase transaction.

The prior art reference must disclose each element of the claimed invention, as correctly interpreted, and as arranged in the claim.[1] A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim.[2]

Rollins does not disclose each and every element of claim 1, as discussed below. Rollins fails to disclose "independent of user interaction with merchant web sites, pre-preparing a proxy platform corresponding to participating merchant web sites. . ." In contrast, Rollins' describes a generic Internet Order Mechanism (IOM), not corresponding to one particular web page or another, which operates "on the fly." Rollins' IOM is said to transform content of web pages "in a dynamic fashion such that the transformations are made in response to requests for the web pages." [Rollins: para. 0057] See also, Rollins' para. 0063 (where after user selects proxied link, IOM can modify web page). As to the pre-filling of web pages, Rollins has ". . .no need to customize the order form pre-filling process for each merchant web site or order form." [Rollins: para. 0164] It is even further apparent that Rollins' web page transformation and filling-in is not conducted "independent of user interaction with merchant web sites" because, it is in fact conducted responsive to such interaction. [Rollins: FIG. 8, 804, 828] Consequently, claim 1 is distinguished from Rollins because

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[1]   Lindermann Maschinefabrik Gmbh v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984).

[2]   MPEP 2131.

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Rollins does not disclose "independent of user interaction with merchant web sites, pre-preparing a proxy platform corresponding to participating merchant web sites. . ." as claimed.

Rollins further lacks operations, independent of user interaction with merchant web sites, of "planning a modified presentation of each participating merchant web site including one or changes to functionality of the web site" and "generating rules to fill-in purchase checkout forms of each participating merchant web site with data from users' cyber wallets accessible to the proxy platform." Rollins is simply silent as to any such planning or rule generating independent of user interaction with merchant web sites. Nor would Rollins have any use for such activity independent of user interaction with merchant web sites, because Rollins purportedly discusses an adequate but different mechanism for web page transformation and filling-in web pages (as discussed above).

In addition, Rollins does not show "responsive to a user's request to view a merchant web site for which a corresponding pre-prepared proxy platform exists. . ." In contrast, when Rollins client requests to visit a web site, there is no corresponding pre-prepared proxy platform. Rather, Rollins favors ". . .a general, flexible approach applicable to all merchant web sites. There is therefore no need to customize the order form pre-filling process for each merchant web site or order form." [Rollins: para. 0164]

More particularly, Rollins does not teach "responsive to a user's request to view a merchant web site for which a corresponding pre-prepared proxy platform exists. . . utilizing the requested web site's pre-prepared proxy platform as an overlay to provide the user with the modified presentation instead of the requested web site. . ." As discussed above, Rollins does not teach a pre-prepared proxy platform. Nor does Rollins show using such a platform as an "overlay to provide the user with the modified presentation instead of the requested web site. . ."

Similarly, Rollins further does not disclose "responsive to a user's request to view a merchant web site for which a corresponding pre-prepared proxy platform exists. . . responsive to user initiation of a purchase transaction upon the

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requested web site, the proxy platform automatically retrieving personal data from the user's cyber wallet and entering said retrieved information upon the requested web site in accordance with the rules. . ." First, rather than "automatically retrieving personal data from the user's cyber wallet" (as claimed), Rollins utilizes a markedly different approach. Rollins wallet login process is initiated by a user selecting an object on a shopping results page that is associated with a desired product or merchant. [Rollins: para. 0123] Rollins redirects the user's request for merchant web page to a wallet server, whereupon the client interacts with a wallet login page. The client only returns to the merchant web page after selecting an exit object. [Rollins: para. 123-131; FIG. 8, ref. 806-822] Therefore, since Rollins wallet login process requires the user to manually log-in to a different web site, it therefore fails to teach "automatically retrieving personal data. . ." as claimed. Second, rather than "entering said retrieved information upon the requested web site in accordance with the rules [generated independent of user interaction with merchant web sites]," Rollins utilizes fill-in techniques that operate on the fly. [Rollins: 0149] Rollins specifically cites a "general, flexible approach applicable to all merchant web sites. There is therefore no need to customize the order form pre-filling process for each merchant web site or order form." [Rollins: para. 0164]

For the foregoing reasons, claim 65 is patentably distinguished from Rollins. For similar reasons, independent claims 74 and 83 are also patentably distinguished over Rollins.

And, even without considering any individual merits of dependent claims 66-73 and 75-82, these claims are distinguished from Rollins because they depend from independent claims 65 or 74, which are distinguished as discussed above.[3] Nonetheless, certain features of these dependent claims are noted to further distinguish over the applied art.

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[3]   Cf. If an independent claim is nonobvious under 35 USC 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

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Taking claims 69 and 78 as an example, the applied art fails to show "the modified presentation includes a quick checkout button" and "the operation responsive to user initiation of a purchase transaction upon the requested web site is responsive to user activation of the quick checkout button." Rollins discusses adding a navigation bar to a web site (para. 0076), and also mentions using a merchant's existing one-click object (para. 0162). Rollins, however, fails to suggest modifying a merchant web site to add a quick checkout button. Moreover, Rollins specifically avoids introducing page-specific objects located elsewhere on a web page. [Rollins: para. 0076] Claims 69 and 78 are therefore patentable because Rollins does not teach "the modified presentation includes a quick checkout button" and "the operation responsive to user initiation of a purchase transaction upon the requested web site is responsive to user activation of the quick checkout button."

Turning to claims 70 and 79, Rollins does not disclose "on a predetermined schedule, checking the merchant web page to determine whether any change has occurred rendering the proxy platform at least partially invalid" and "if so, re-performing at least one of the planning and generating operations sufficient to restore the proxy platform to a valid state." In contrast, if Rollins' shopping application discovers that they are no longer able to pre-fill the order forms for a particular merchant, then this may warrant discontinuing facilitating a transaction. [Rollins: para. 0167] In one example, proxying of transactions is discontinued so that the user interacts directly with a merchant. In another example, the problematic merchant may be removed from the list of merchants for whom transactions are to be proxied. [Rollins: para. 0168] Consequently, Rollins fails to teach "on a predetermined schedule, checking the merchant web page to determine whether any change has occurred rendering the proxy platform at least partially invalid" and "if so, re-performing at least one of the planning and generating operations sufficient to restore the proxy platform to a valid state." Claims 70 an 79 are therefore patentably distinguished over Rollins.
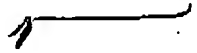
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NEW CLAIMS

New claims 84-86 have been added to the application. These claims are patentable for similar reasons as discussed above, as well as numerous additional reasons beyond those previously discussed. The new claims enjoy widespread support in the original specification, with some examples including Figure 1, Figures 3A-3D, pages 5-6, 8-12, 14, 16, etc.

CONCLUSION

In view of the foregoing, all pending claims in the application are patentable over the applied art. Favorable reconsideration and allowance of the application are hereby requested.

If any fees are required by this submission, an appropriate fee submittal sheet is enclosed herewith. If fees are required yet this sheet is inadvertently missing, or the fees are incorrect in amount, please charge the charge the required fees (or credit any overpayment) to Deposit Account No. 07-1445.

Respectfully Submitted,

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